

**RESOLUTION NUMBER 2010-031**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING VARIANCES FOR A NON-CONFORMING CONTRIBUTING BUILDING FOR IMPERVIOUS SURFACE, BUILDING COVERAGE, SIDE YARDS, FRONT YARD, AND REAR YARD AND SETBACK REQUIREMENTS FOR A RENOVATION PROJECT AND FOR AN AIR CONDITIONING UNIT, IN THE HHDR ZONING DISTRICT FOR PROPERTY LOCATED AT 530 GRINNELL STREET, (RE# 00007600-000000), PER SECTIONS 122-630 (4)a. AND b., 122-630 (6) a., b., AND c., SECTION 122-28 (b) AND PER SECTION 122-1184, KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 122-28(b) of the Code of Ordinances provides that if a residential dwelling unit is voluntarily replaced within the footprint of a non-complying existing structure the reconstruction/replacement that exceeds 66 % of the assessed value of the structure shall require a variance; and

**WHEREAS**, Section 122- 630 (6) a., b., and c., of the Code of Ordinances provides that the maximum dimensional requirements for setbacks in the HHDR zoning district are ten feet in the front, twenty feet in the rear, and five feet on each side; and

**WHEREAS**, the applicant requested a variance to allow improvements which exceed 66% of the value of the existing structure and requested variances to impervious surface ratio, building

 Chairman  
 Planning Director

coverage, front, rear and side yard setbacks; and

**WHEREAS,** Section 122-1184 requires that in all residential districts the exhaust or mechanical equipment of any air-conditioning unit, other than window units, shall not be placed or installed within five feet of any rear or side property line; and

**WHEREAS,** the applicant has requested a variance to place an air-conditioning unit in the side yard setback; and

**WHEREAS,** this matter came before the Planning Board at a duly noticed public hearing on August 19, 2010; and

**WHEREAS,** the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

**WHEREAS,** the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

**WHEREAS,** the Planning Board finds that granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands,

  
Chairman  
  
Planning Director

buildings or structures in the same zoning district; and



**WHEREAS**, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

**WHEREAS**, the Planning Board finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

**WHEREAS**, the Planning Board finds that the grant of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

**WHEREAS**, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance; and

**WHEREAS**, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those

  
Chairman  
  
Planning Director

neighbors;

**NOW, THEREFORE BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That for variances for a non-conforming contributing building listed in the historic architectural survey for impervious surface, building coverage, side yards, front yard and rear yard setback requirements, for a renovation project and for an air conditioning unit in the Historic High Density Residential (HHDR) zoning district for property located at 530 Grinnell Street (RE # 00007600-000000), per Sections 122-630 (4)a. and b., 122-630 (6) a., b., and c., Section 122-28 (b) and per Section 122-1184, of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown on the attached site plans dated April 29, 2010 and July 13, 2010 with the following condition:

- 1.) That the air conditioning compressor unit is baffled in compliance with code Section 122-1184.

**Section 3.** It is a condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within two years

  
Chairman  
  
Planning Director



after the date hereof; and further, that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**Section 4.** The failure to submit a full and complete application for permits for new construction for which this variance is wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

**Section 5.** This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.


**Section 6.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 7.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness

  
Chairman  
  
Planning Director

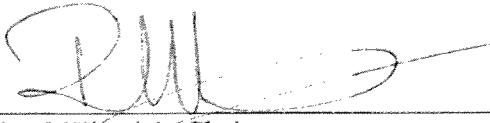
of the permit until the appeal is resolved by agreement or order.

**Section 8.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

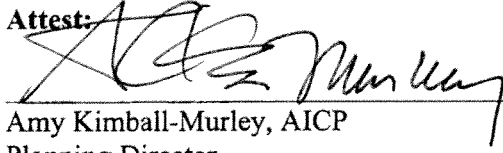
  
Chairman  
  
Planning Director

Read and passed on first reading at a regular meeting held this 19th day of August, 2010.

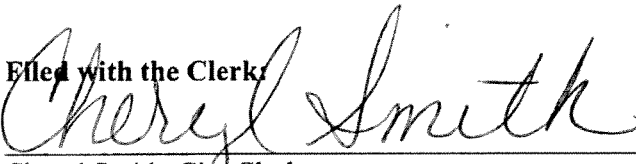
Authenticated by the Chairman of the Planning Board and the Planning Director.

  
Richard Klitenick, Chairman  
Key West Planning Board

9/1/2010  
Date

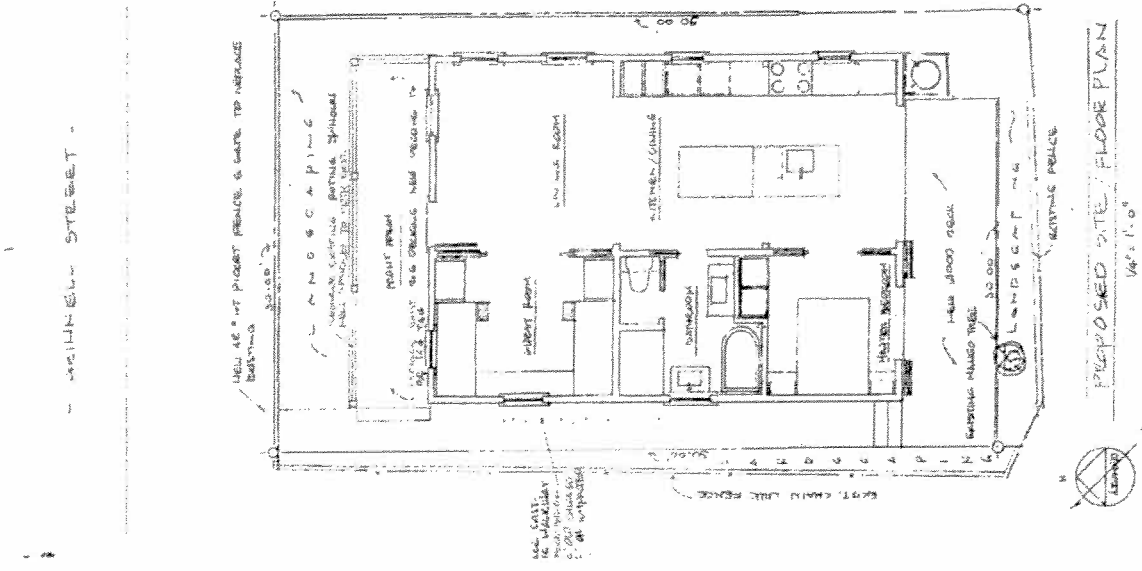
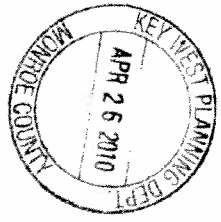
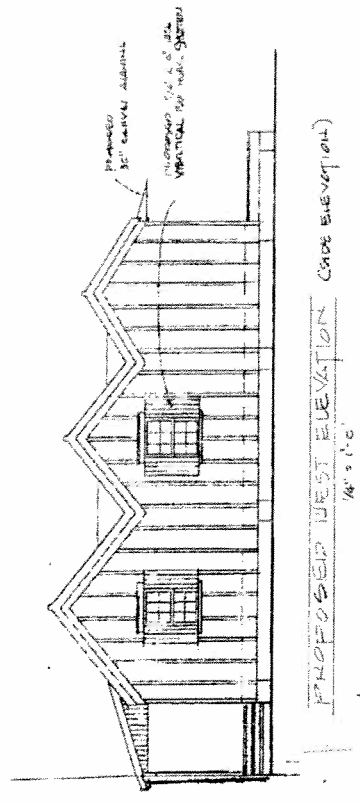
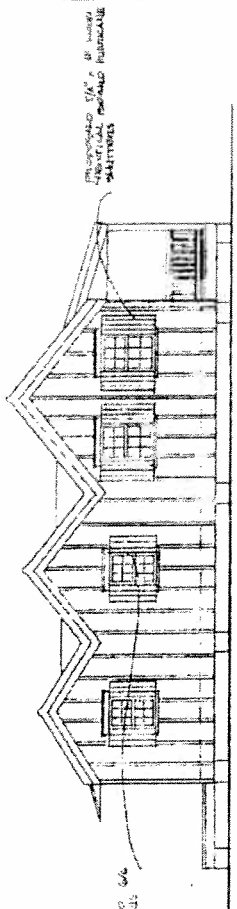
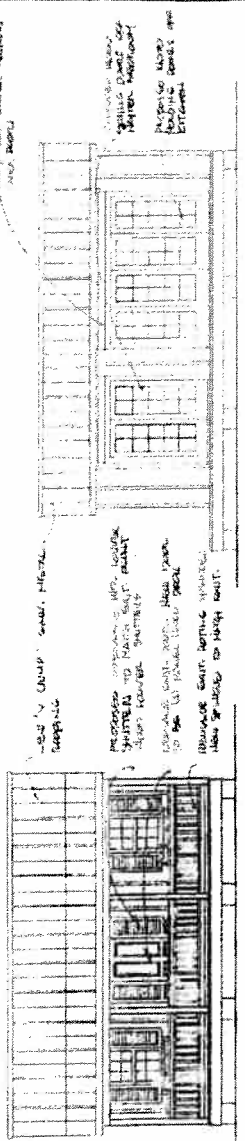
Attest:   
Amy Kimball-Murley, AICP  
Planning Director

9/2/2010  
Date

Filed with the Clerk:   
Cheryl Smith, City Clerk

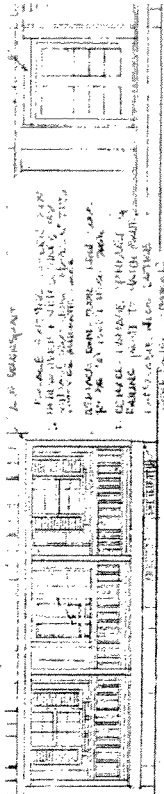
9-2-10  
Date

  
Chairman  
  
Planning Director

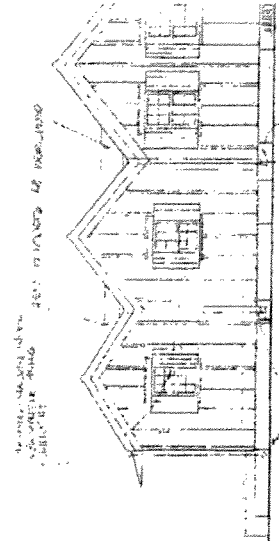


APPROVED  
 4/12/10  
 REUK  
 4/11/2010

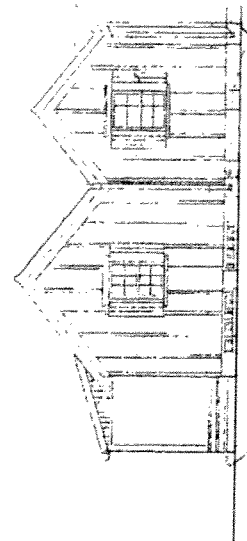




PROPOSED NORTH ELEVATION  
 FRONT PORCH - 10'0\"/>



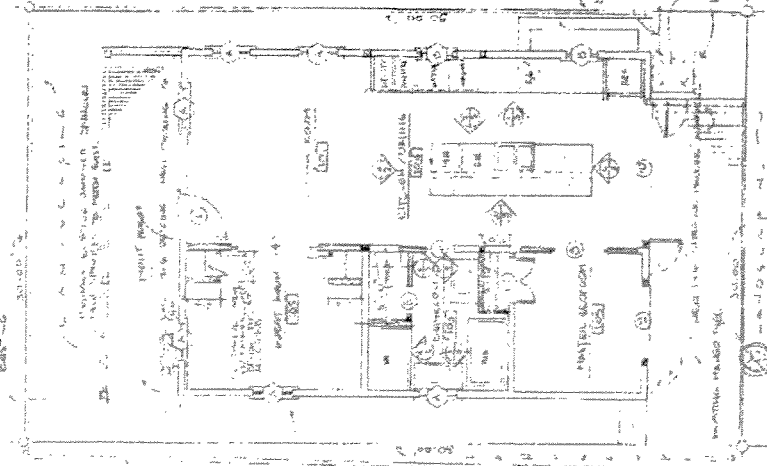
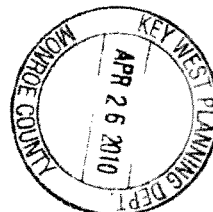
PROPOSED EAST ELEVATION  
 1/4\"/>



PROPOSED WEST ELEVATION  
 1/4\"/>

NOT TO SCALE  
 1/4\"/>

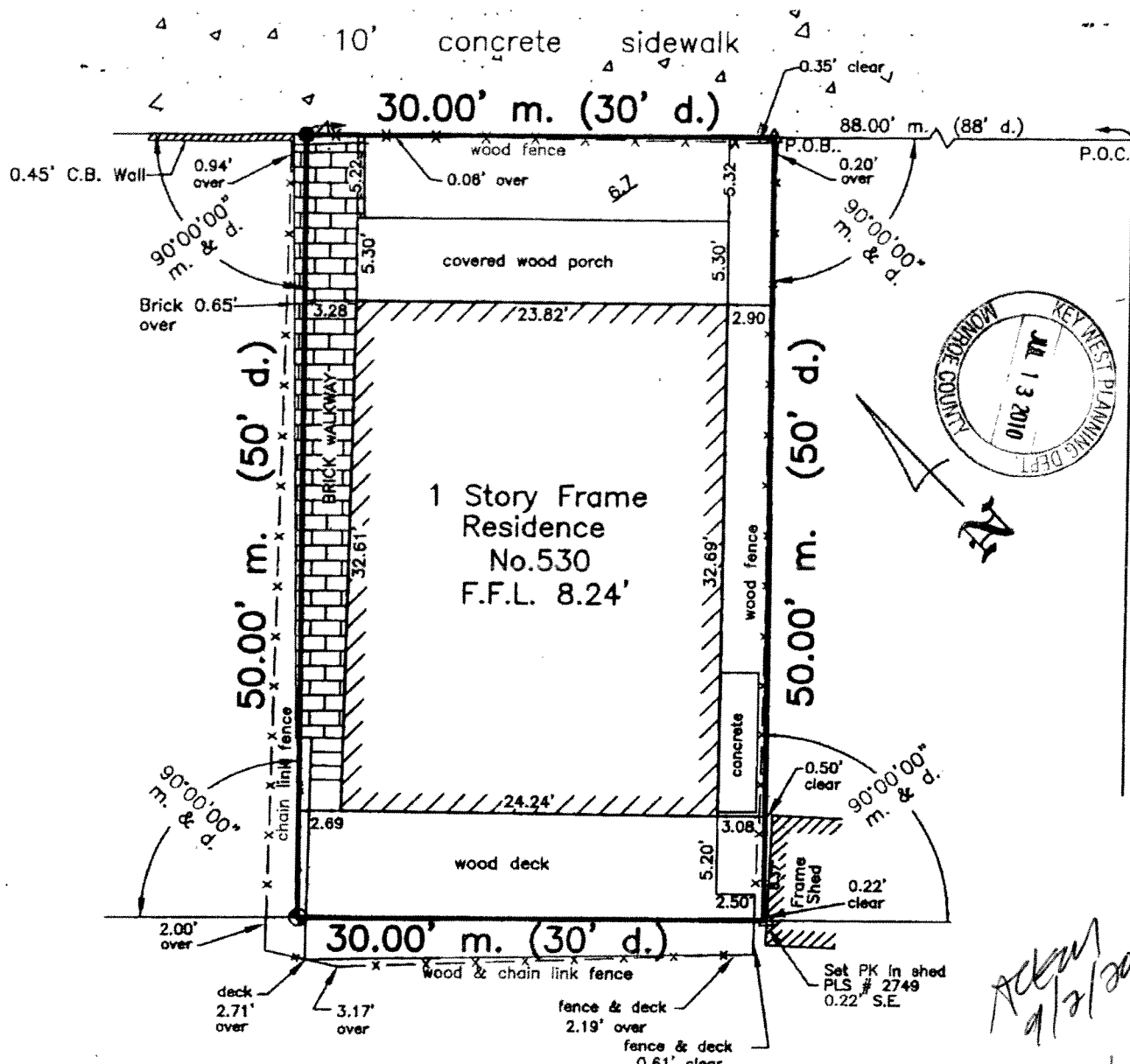
NOT TO SCALE  
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PROPOSED SITE / FLOOR PLAN  
 1/4\"/>

APR 26 2010

APR 26 2010



SOUTHARD STREET

Square 39

Natalie N. Brooks 530 Grinnell Street, Key West, Fl. 33040			
BOUNDARY SURVEY		Dwn No.: 10-176	
Scale: 1"=10'	Ref. 169-6	Flood panel No. 1516 K	Dwn. By: F.H.H.
Date: 8/27/02	file	Flood Zone: AE	Flood Elev. 6'
REVISIONS AND/OR ADDITIONS			
3/25/10: Updated, owner, minor changes			

**ISLAND SURVEYING INC.**  
**ENGINEERS PLANNERS SURVEYORS**

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 Key West, Fl. 33040  
 (305) 293-0466  
 Fax. (305) 293-0237  
 fhildeb1@bellsouth.net